

**MINUTES FOR THE
MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES**

DATE: FRIDAY, DECEMBER 9, 2005
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

Chairperson Peter Young called the meeting of the Board of Land and Natural Resources to order at 9:12 a.m. The following were in attendance:

MEMBERS

Mr. Peter Young
Mr. Ted Yamamura

Mr. Tim Johns
Mr. Ron Agor

STAFF

Mr. Russell Tsuji, Land
Mr. Sam Lemmo, OCCL
Mr. Curt Cotrell, DOFAW
Mr. John Dooling, DOT

Mr. Barry Cheung, Land
Mr. Paul Conry, DOFAW
Mr. Dan Quinn, Parks

OTHERS

Mr. Colin Lau, Deputy Attorney General
Ms. Julie China, Deputy Attorney General
Ms. Linda Chow, Deputy Attorney General
Mayor Bryan Baptiste, D-3
Mr. Roy Kainoa, D-3
Mr. Duane Okamoto, D-1
Mr. Bryan Churchill, D-7
Mr. Darren Marlin, D-12
Mr. George Atta, K-3
Mr. Robert Shaver, D-13
Mr. Jim Anthony, D-13, E-2
Mr. Mary Pattee, D-11
Mr. Clancey Greff, E-1

Mr. Rodney Jose, D-3
Mr. Ollie Lunasco, C-3
Mr. Josh Stanboro, D-6
Ms. Sherryl Buecher, D-12
Dr. Jonathan Scheuer, D-2
Mr. Alfredo Lee, D-2
Ms. Cheryl Kauhawe, D-13
Mr. Rodney Howard, D-11
Mr. Ted Myers, E-1
Mr. William Tam, D-9

Mr. Tom Robertson, D-14
Ms. Ipo Tano, E-2
Ms. Ululani Beirne, E-2

Mr. Alan Cambra, J-3
Mr. Craig Chapman, E-2
Ms. Gladys Ahuna, E-2

{Note: language for deletion is [bracketed], new/added is underlined}

Item D-3: Set Aside to County of Kauai for Developing Affordable Housing Purposes, Kekaha, Waimea, Kapaa, Anahola, Kauai, TMK: (4) 1-2-02:32; 1-2-06:18; 4-3-07:07, 08 & 11; 4-6-14:30 & 112; and 4-8-13:13.

Russell Tsuji, Administrator of the Land Division recommended the Board approve of and recommend to the governor the issuance of an executive order setting aside the subject lands to the County of Kauai and if the applicant requirements are not met within 3 years this approval will automatically be rescinded.

Bryan Baptiste, Mayor of Kauai told the Board he was okay with the recommendations set forth in the submittal. Mayor Baptiste informed the Board of his intention to put the subject parcels out for revocable permits to get different ideas on how to utilize the area for affordable housing. He believes the citizens of Kauai would like to live in the home for their lifetime and one generation thereafter. Mayor Baptiste has concerns because the County does not have the funding to build homes and at present is unable to comply with all of the applicant requirements. One of the requirements to live in the subject homes would be for the applicants to go through a training process in which they would learn about home ownership. Mayor Baptiste told the Board, at present he is able to commit that the subject lands will be used for affordable housing and affordability will be in perpetuity but he can not commit to the exact plans on how it will look.

The Board added a condition in which the County of Kauai will keep the Board abreast of their plans as it formulates.

Unanimously approved as amended (Agor/Johns).

Item C-1: Request for Approval of DLNR Radio System Maintenance Contract with Pacific Wireless Communications.

Unanimously approved as submitted (Johns/Yamamura).

Item C-2: Request for Approval to Enter into Contracts to Implement the FY 06 Watershed Management Grant Program.

Unanimously approved as submitted (Johns/Yamamura).

Item C-3: Request for Approval to Enter into a Memorandum of Agreement Between Dole Food Company, Inc. and the Department of Land and

Natural Resources, Division of Forestry and Wildlife – Na Ala Hele Trails and Access Program, for the Establishment of a Public Access Route to the Ewa Forest Reserve and Poamoho Trail, Oahu, TMK: 6-4-4-1, and to Designate an Access Road as a Feature Regulated by the Na Ala Hele Program.

Ron Nishihara, representing Castle and Cooke and Dole Food Company noted their support for the intent of opening the trail and the issuance of the Memorandum of Agreement but are awaiting final approval from their corporate counsel in the mainland.

Kimberly Revella, Executive Assistant to Honolulu Council Chair Donovan Dela Cruz presented written testimony in support of staff's recommendation.

Reed Matsuura, a resident of Wailua spoke in support of the reopening of the Poamoho Trail. He asked the Board to keep the feral pig population to a minimum so there will be less erosion on the trail.

Oliver Lunasko acknowledged he has been working on this issue for the past five years with the department and Dole. He spoke of his full support of staff's submittal and noted his only concern is how fast the department can get hunters back into the area.

Written testimony received from Representative Marcus Oshiro and Donovan Dela Cruz

Unanimously approved as submitted (Johns/Agor).

Item D-1: Set Aside to Department of Agriculture for Agriculture Purposes, Statewide.

Mr. Tsuji pointed out he is asking the Board to approve the list of properties attached to staff's submittal to be transferred to the Department of Agriculture by executive order. The transfers would be done by increments starting with Hawaii and Molokai with the other islands following. Mr. Tsuji recommended the Board subject to the Board of Agricultural approval approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Agriculture under the terms and conditions listed in staff's submittal.

Duane Okamoto, Deputy Director of the Department of Agriculture (DOA) testified in support of staff's submittal. Mr. Okamoto communicated that approval of this submittal by the Board will allow the transfer process to begin. Mr. Okamoto acknowledged his department commitment to efficiently complete the transfer process and to bring a submittal of acceptance to their board.

Unanimously approved as submitted (Johns/Yamamura).

Item D-4: Approval in Principle of Direct Lease to Hospice of Hilo, Waiakea, South Hilo, Hawaii, TMK: (3) 2-4-01:24.

Written testimony received from Sidney Fuke.

Motion to defer.

Unanimously approved to defer (Johns/Yamamura).

Item D-6: Final Approval of the Acquisition of Private Lands and Set Aside to County of Hawaii for Estuarine Land Conservation and Public Recreation Purposes, Kau, Island of Hawaii, Tax Map Key: (3) 9-5-14:02-07, 27 & 52-59.

Members Johns disclosed he has been involved in fundraising efforts for the Trust for Public Land but has not been involved in this issue.

Chairperson Young indicated he had a discussion with the Deputy Attorney General and the issue of “contracting for independent appraisal” is still in question but noted we may be able to use an in house or the existing appraisal or some other alternative.

Julie China, attorney with the Department of the Attorney General’s Office indicated the office is in agreement with regards to the independent appraisal, contracted by the State be subject to the approval of the Attorney General’s Office and the Chairperson. As for the fair market value of the subject property it must be no less than Three Million Five Hundred Thousand Dollars.

Josh Stanboro, representing the Trust for Public Land told the Board his organization is in support of the submittal and the amendments as long as there is the ability for these amendments to be review by the AG, Chairperson and the Board.

The Board amended the following

1) Page 2, Consideration, replace language with the following:

“[The fair market value of the subject site was determined by an independent appraiser to be \$3,500,000. the appraisal report has been reviewed and approved by the Chairperson. Nonetheless, TPL has agreed to convey the subject site for \$3,232,367.] One-time payment in the amount of \$3,232,367, or fair market value as determined by an independent appraiser contracted by the State, pursuant to Section 171-30(e), HRS, Whichever is lower. Said appraisal shall be subject to review and approval by the Chairperson, Department of the Attorney General, and all organizations providing federal funding required for this acquisition.”

2) Add the following to Recommendation 1)

“E. completion of an independent appraisal contracted by the State to determine the fair market value of the subject, pursuant to Section

171-30(e). Moreover, review and approval of said appraisal by the Chairperson, Department of the Attorney General, and all organizations providing federal funding required for this acquisition.”

3) Add the following condition to Recommendation 1)

“F. These conditions can be waived if approved by the Department of the Attorney General, Chairperson and all organizations providing federal funding required for this acquisition.”

4) “Agreement of Sale Amendments” (Exhibit E to the Submittal) Page 2, paragraph 2 shall read

“(a) Price: The purchase price of the Property shall be Three Million Two Hundred Thirty Two Thousand Three Hundred Sixty Seven Dollars (\$3,232,367) [(the “Purchase Price”) or the fair market value of the subject site as determined by an independent appraiser contracted by the State, pursuant to Section 171-30(e), HRS, whichever is lower.”

5) “Conditions Precedent to Closing” adds the following

“L. An independent appraiser contracted by the State , pursuant to Section 171-30(e), HRS, determines the fair market value of the subject property to be no less than Three Million Give Hundred Thousand Dollars (\$3,500,000), and the appraisal is approved by the Chairperson, the Department of the Attorney General and all organizations providing federal funding required for this acquisition.”

6) “Warranty Deed Amendments” (Exhibit F to the Submittal)

“Whereas pursuant to 171-30(e) the State can not commit to an acquisition price until an independent appraisal contracted by the State is reviewed and approved, staff requests omission of the consideration amount Three Million Two Hundred Thirty Two thousand Three Hundred Sixty Seven Dollars (\$3,232,367) until said appraisal is reviewed and approved by the Chairperson, the Department of the Attorney General and all organizations providing federal funding required for this acquisition.”

(Therefore on page 1 of the Deed, the amount of consideration should be deleted, subject to the aforesaid condition.)

Unanimously approved as amended (Johns/Yamamura).

Item D-7: Partial Waiver of Land Use Restrictions Pursuant to Land Patent Grant 15,991, Napili 4 and 5, Lahaina, Maui, TMKs: (2) 4-3-01-06, 07 & 08.

Ryan Churchill of Maui Land and Pineapple Company acknowledged his agreement with staff recommendations but asked that recommendation 1) be changed to allow his company to notify the Senate President and Speaker of the House in writing as opposed to the submission of a resolution of requested amendments.

The Board amended Recommendation A as follows

“[Submission of ~~a resolution notifying~~ written notification to the Senate President ~~and~~ the Speaker of the house of Representatives and the Department of Land and Natural Resources of the requested amendment or waiver of restrictions and pertinent details . . .”

Unanimously approved as amended (Yamamura/Johns).

Item D-12: Amend Prior Board Action of July 14, 2000, Item D-30; Sale of Reclaimed Land to Sherryl Buecher, Koolaupoko, Oahu, TMK: (1) 4-4-07:17 seaward.

Mr. Tsuji pointed out staff previously requested consolidation of the reclaimed parcel prior to the issuance of the conveyance document but upon further reviewed found that this action was not required by statute. Mr. Tsuji recommended the Board amend its prior action of July 14, 2000, agenda item D-30 by deleting Recommendation 2.a from the Recommendation Section and any reference to consolidation in Applicant Requirement Section.

Darren Marlin, representing the applicant, Sherryl Buecher came forward to offer testimony. Mr. Marlin indicated the consolidation process hasn't started as Bill Wynhoff of the Department of the Attorney General's Office informed him that they need to have the transfer complete before they can consolidate the property. Mr. Marlin asked that condition 2.a be removed so that the land transfer can take place within the next week or two with the consolidation of the property to follow.

The Board amended Recommendation 2.a. to read

“a. ~~[Prior to the issuance of the conveyance document,~~ the applicant shall consolidate the reclaimed parcel with her abutting property through the County consolidation process.”

Unanimously approved as amended (Johns/Yamamura).

- Item K-1:** Conservation District Enforcement File HA 05-19 Regarding Construction of a Single Family Residence Not in Accordance of Approved Construction Plans.
- Item K-2:** Waive the Timeliness of Written Requests for a Contested Case Hearing Appointment and Selection of a Hearing Officer to Conduct All Hearings for One (1) Contested Case Hearing.

Motion to withdraw

Unanimously approved to withdraw (Johns/Yamamura).

- Item K-3:** After-the-Fact Conservation District Use Application (CDUA) OA-3264 for University of Hawaii (UH) at Manoa, Lyon Arboretum.

Unanimously approved as submitted (Johns/Yamamura).

- Item M-1:** Consent to Assignment of Lease No. DOT-A-95-0002 Jeanette Lum Chun, Trustee to Forest Corp, Honolulu International Airport.
- Item M-2:** Issuance of a Replacement Lease U.S. Federal Aviation Administration Lihue Airport.
- Item M-3:** Issuance of a Revocable Permit to Joy P. Murao, dba RJ Lunchwagon, Adjacent to Pier 39, Kapalama, Honolulu Harbor, Oahu.

Unanimously approved as submitted (Johns/Yamamura).

- Item D-2:** Set Aside to Agribusiness Development Corporation for Irrigation System and Waimea (Mauka) Hydro-Electric Power Generation Plant Purposes, Kekaha and Waimea Valley including Hawaiian Home Lands, Kauai, TMKs: (4) 1-2-01:various; 1-2-02:various; 1-4-01:various; and 1-5-01:various.

Mr. Tsuji conveyed that currently the irrigation system is under a revocable permit to the Agribusiness Development Corporation. ADC has communicated they will work closely with the coop to manage the irrigation system. Mr. Tsuji recommended the Board approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to ADC under the terms and conditions listed in staff's submittal.

Dr. Jonathan Likelike Scheuer of the Office of Hawaiian Affairs (OHA) clarified that in this issue as well as other submittal items, staff notes that comments were solicited from OHA but they were not. Dr. Scheur made it known that OHA is not convinced that ADC fully appreciates its public trust responsibilities, especially with regards to water. He feels there should be some provisions in the recommendation that requires ADC to work with the Division of Aquatic Resources.

The Board amended the Recommendation Section to add the following

“E. The Agribusiness Development Corporation shall cooperatively work with the Division of State Parks , DLNR, to assure that ADC’s management and control of the irrigation system do not adversely affect the Kokee State Park or the lessees at Kokee State Park. ”

Unanimously approved as amended (Agor/Johns).

Item D-13: Resubmittal – Amend Prior Board Action of August 24, 2001, under Agenda Item D-29, Issuance of 150 Leases for Private Residential Noncommercial Piers Pursuant to the Kaneohe Bay Piers Amnesty Program; Issuance of Direct Lease to YWCA for Private Noncommercial Pier Purposes, Kaneohe, Oahu, TMK: (1) 4-5-104:44.

Cheryl Kauhane Lupenui, President and CEO of the YWCA asked the Board for their consideration in a significant reduction of their rent for the subject pier. She pointed out the pier is an integral part of their program efforts. Addressing access issues to the pier, Ms. Lupenui disclosed that the YWCA requires those using their facilities to be a member of the YWCA therefore those using the pier must be a member of their organization. Ms. Lupenui confirmed they are prepared at this time to make a one-time payment for the subject lease.

Jim Anthony, representing Hawaii, Laieikawai Association, Inc. let it be known there is confusion in the community with regards to the department’s policy regarding rent determination to non-profit organizations. He clarified one division might make a determination that an organization is a non-profit but another division might not use the same determination. Mr. Anthony asked the Board to direct Land Division and State Parks to enter into interdepartmental meetings in developing a clear lease rent policy for non-profit organizations.

The Board amended Recommendation B as follows

“B. Determine that the lease rent to the YWCA shall be:

~~[Fair market rent (one-time payment) for the time period July 13, 2001 to July 12, 2056, of \$ \$75,500; or~~

~~Nominal rent (one-time payment) for the time period July 13, 2001 to July 12, 2056, of \$10,610; or]~~

Nominal rent (annual payment) for the time period July 13, 2001 to July 12, 2056, of [\$480] \$156 per annum, with no rental reopening provision.”

Unanimously approved as amended (Johns/Yamamura).

Item L-1: **Permission to Hire Consultants for State Parks TAT & HTA – Funded Projects.**

Item L-2: **Authorization to Enter into an Inter-Governmental Agreement with the City and County of Honolulu for the Study of Sediment and Pesticides in the Ala Wai Watershed.**

Unanimously approved as submitted (Johns/Agor).

Item E-1: **Annual Renewal of Revocable Permits (RPs) on the islands of Kauai and Oahu.**

The Board amended “Exhibit A”

1) TMK/LOCATION for Wesley & Joan Cash to read (1) 4-2-13:[22]10 (port.)

2) TMK/LOCATION for Diamond K Ranch to read (1) 4-2-13:[10] 5

3) RENT amount for Na Pali Zodiac to read \$ [10,744*] 15,700*

Unanimously approved as amended (Agor/Yamamura).

Item D-11: **Consent to Assign and Amendment to Lease of Non-Exclusive Easement No. S-5388, Rodney William Howard & Mary Therese Pattee, Assignors, to Bret Csupo and Gabor Csupo, Assignees, Lanikai, Koolaupoko, Oahu, TMK: (1) 4-3-04:99 seaward.**

Unanimously approved as submitted (Johns/Yamamura).

Item D-10: **Consent to Assign General Lease No. S-4908, Dannielle Ululani (Von Hiram) Beirne and Francis Daniel Beirne, Assignors, to Francis Daniel Beirne, Donald F. Beirne and Clayton Beirne, Assignees, Maunalaha Homesites, Maunalaha, Honolulu, Oahu, TMK: (1) 2-5-24:03.**

Ululani Beirne informed the Board that the upper road servers over twenty-one leases and that the land division has looked at how to secure the roadway before a home can be built on the property.

Unanimously approved as submitted (Johns/Yamamura).

Item D-14: **Amend Prior Board Action of December 13, 2002, under Item D-7, Grant of a 55-year Non-Exclusive Easement for House Decks Overhang and Seawall Extension to Thomas Robertson; Kaneohe, Koolaupoko, Oahu, TMK: (1) 4-7-19:20 seaward.**

Thomas Robertson spoke of his concern with some of the standard conditions of the easement (i.e. give written notice anytime he gets a mortgage or sells the property). He feels these conditions will slow down the process for selling the home or obtaining a mortgage for the land owner. Mr. Robertson also indicated insurance for his home cost \$548 and to ensure just the State's portion would cost \$900.

Unanimously approved as submitted (Johns/Yamamura).

Item D-9: Withdrawal from Governor's Executive Order No. 571 to the Department of Public Safety and Reset Aside to Department of Transportation, Highways Division for Highway Purposes, Kalihi-Kai, Honolulu, Oahu, TMK: (1) 1-2-13:per. 02.

An unidentified representative from GASPRO asked the Board for the ability to access the same piece of property that Foremost used as they have been using that area for many years.

The Board amended the Recommendation Section to add the following

"4. As a condition of the Set Aside and the issuance of the management right of Entry to the Department of Transportation (DOT), DOT shall work cooperatively with the owners (and their successors and assigns) of parcels 6 and 7, to assure their continued free access to Kamehameha Highway from their respective properties.."

Unanimously approved as amended (Johns/Yamamura).

Item D-8: Grant of Term, Non-Exclusive Easement to Atlantis Submarines Hawaii, LLC for Offshore Waters and Submerged Lands Purposes and Construction Right-of-Entry, Lahaina, Maui, TMK: (2) 4-6-33:seaward of Parcel 1.

Unanimously approved as submitted (Johns/Yamamura).

Item D-5: Grant of Perpetual, Non-Exclusive Easement to County of Hawaii for Recreational Non-Vehicular Trail Purposes to the County of Hawaii, Kamuela, South Kohala, Hawaii, TMK: (3) 6-6-03:06.

Unanimously approved as submitted (Johns/Yamamura).

Item F-1: Request for Approval to extend Contract No. 53058 with the University of Hawaii (to June 30, 2006) and Amend the Scope of Services and Compensation and Payment Schedule Needed to Develop an Aquatic Wildlife Conservation Strategy.

Unanimously approved as submitted (Johns/Yamamura).

Item I-1: Docket No. 05-OA-02 In the matter of a Contested Case to Appeal Staff's Recommendation Regarding Violation of Hawaii Revised Statutes (HRS) §6E-43 (a), §6E-43.6 (a), and 6E-11 for failure to timely notify the proper authorities of an inadvertent burial discovery, and for moving human remains without permission; Violation of Hawaii Administrative Rules (HAR), for the unauthorized physical examination of the remains of children, including infant remains, and the unauthorized physical examination of presumptively Native Hawaiian remains; and Violation of HAR §13-300-32, for the failure to examine human skeletal remains in a respectful manner with a recognition of the sensitivities associated with deceased human beings.

Unanimously approved as submitted (Johns/Yamamura).

Item J-2: Amend General Lease H-70-9 to the United States Coast Guard (Coast Guard) at Maalaea Small Boat Harbor, Waikapu, Wailuku, Maui, Tax Map Key: (2) 3-6-001-041.

Unanimously approved as submitted (Yamamura/Johns).

Item E-2: Malaekahana State Recreation Area Development Project (MSRA), Laie, Oahu – Cancellation of RFQ/RFP and Rejection of Responses in accordance with Request for Qualifications/Proposal (RFQ/RFP) for Development, Operation and Maintenance of MSRA dated August 24, 2004 and authorization for re-issuance of a revised RFQ/RFP.

Dan Quinn, Administrator for the Division of State Parks let it be known on page 2, third paragraph the fact-finding group formed by the Koolauloa Neighborhood Board #28 consisted of one individual from each of the four (not five) community associations. Mr. Quinn recommended the board pursuant to HAR section 3-122-59(a) (3) cancel the current RFQ/RFP and authorize the Chair, following an evaluation, and revision of the terms and conditions, to issue another RFQ/RFP for the development and management of Malaekahana State Recreation Area. The Land Board will make the final selection of the subsequent selected bidder.

Ipolani Tano, Chief Information Officer for VeriFone, Inc. came forward to provide verbal and written testimony in opposition to staff's recommendation. Ms. Tano communicated that Segawa's development plan for the Kahuku section lacks creativity, and is not financial viable. Addressing staff's concerns that the RFQ process produced only one qualified bidder, Ms. Tano pointed out this type of project requires significant investments of time and community commitment, qualities that Maleakahana Partners possess. Ms. Tano announced her frustration with staff's assertion of the "risk" in obtaining a performance bond. She acknowledged MP has sent a letter to staff confirming they are able to obtain a performance bond from King & Neel. As far as the

yurt structures not being approved by the county, Ms. Tano pointed out the structures will be approved as part of their permitting process and is covered in their quote from Glen View construction. Ms. Tano disclosed their quotes are at discounted prices due to members in the community extending lower price because they believe in what MP is doing. Ms. Tano told the Board undertaking a new RFQ/RFP process will be a waste of time, energy and the department's resources. She asked the Board to defer action on this item and instruct staff to work with MP to try and work out some of their issues.

Jim Anthony provided written testimony as well as testified in opposition to staff's recommendation. Mr. Anthony reminded the Board in May when this item came before the Board he opposed the viability of the project but since engage in dialogue with MP he now testifies in support of their project. Mr. Anthony believes staff's submittal is seriously flawed. He asked the Board to defer any action on this item and instruct staff to enter into further discussion with the applicants. He hopes the differences between the department and MP can be ironed out.

Mr. Quinn confirmed that State Park's plan is to re-evaluate the way the RFQ/RFP was put out and to try to obtain a broader field of participation. He acknowledged the overall concept for the park has not changed and the new RFQ/RFP will basically be the same. Mr. Quinn would like to see what discouraged potential bidders who picked up packets from placing a bid.

The Board took a recess at 10:35 am and resumed the meeting at 10:40 a.m.

Craig Chapman, General Partner of Maleakana Partners offered testimony in opposition to staff's submittal. He feels everything is being built around the engineering drawings of the structures. Mr. Chapman made it known HRI (Hawaii Reserves Inc.) and the Polynesian Culture Center (PCC) have hired Fred Bell to be able to investigate a makua-makai experience for the tourist visiting the island. Mr. Bell went to look at the yurt structure MP proposes to build at the park and told Mr. Chapman it is the best product he has seen throughout the pacific and is recommending HRI and PCC uses the same product. Should the yurt structure not be approved, Mr. Chapman will use a structure manufactured by Linwood Cabins. Mr. Chapman believes MP deserves another shot in making their plan viable.

Ululani Beirne indicated the proposed plans for Malaekahana State Park has never been addressed with the Kahana community. She confirmed that Ms. Tano and Mr. Chapman have been very creative in their plans and supports a deferment of this item. Mr. Beirne supports the perpetuation of the Hawaiian culture.

Gladys Ahuna, President of the Lanihuli Hawaiian Club and member of the kupuna council testified in opposition to staff's recommendation. Ms. Ahuna communicated she has been to all but one of the community meetings attended by Mr. Chapman and noted the communities support for this project. Ms. Ahuna does not feel this item should be deferred but instead be allowed to move forward.

The Board deferred action on this item until the first meeting in February. The Board asked staff to address the issues that are laid out in the staff's concerns and provide an update on where we are with the community input.

Written testimony received from Dee Dee Letts and Fred Bell.

Motion to defer

Unanimously approved to defer (Johns/Yamamura)

Item D-15: Forfeiture of Revocable Permit No. S-6258, Jose and Corazon Gaceta, Permittees, Ahupuaa O Kahana State Park, Koolauloa, Oahu, TMK: (1) 5-2-02.

Item was called four times without anyone coming forward to testify.

Unanimously approved as submitted (Johns/Yamamura).

Item A-1: Minutes of October 28, 2005

Unanimously approved as submitted (Johns/Yamamura).

Item A-2: Minutes of November 18, 2005 Briefing

Item A-3: Minutes of November 18, 2005

Item J-1: Issuance of Right-of-Entry Permit to Hilton Hawaiian Village LLC, Waikiki Oahu, Tax Map Key: (1) 2-3-037: 012, 021; Grant of Easement to the Board of Water Supply, Waikiki Oahu, Tax map Key: (1) 2-3-037: 021; Grant of Easement to Hawaiian Electric Company, Waikiki Oahu, Tax Map Key (1) 2-3-037:021.

Item J-3: Entry into Join Use Agreement with Hilton Hawaiian Village LLC, Waikiki, Oahu, Tax Map Key Numbers: (1) 2-6-009:002 and 010, (1) 2-6-010-007 (por); Issuance of Right of Entry Permit to Hilton Hawaiian Village LLC, Tax Map Keys: (1) 2-6-010:Roadway; Grant of Easement Board to Board of Water Supply, Tax Map Keys: (1) 2-6-010:Roadway; Grant of Easement Board to Hawaiian Electric Company, Tax Map Keys: (1) 2-6-010:Roadway.

Written testimony received from Waikiki Improvement Association and the Ilikai Apartment Building Association of Apartment Owners.

No quorum.

There being no further business, Chairperson Young adjourned the meeting at 10:50 a.m. Tapes of the meeting and all written testimony submitted at the meeting are filed in the

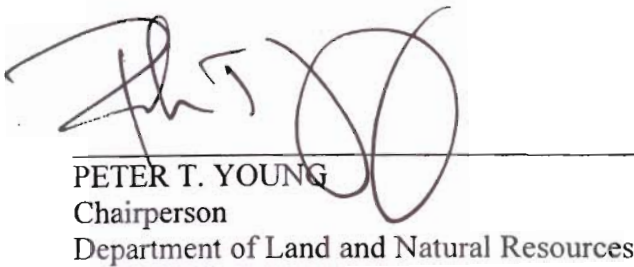
Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Terry Crowell

Approved for submittal:



PETER T. YOUNG
Chairperson
Department of Land and Natural Resources